

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

VANESSIAH AYRES; C/O REBECCA)	CIVIL NO. 13-00371 SOM/RLP
AYRES; C/O ANTHONY DURGANS,)	
)	ORDER DISMISSING AMENDED
Plaintiff,)	COMPLAINT AND DENYING AS MOOT
)	PLAINTIFF'S APPLICATION TO
vs.)	PROCEED WITHOUT PREPAYING
)	FEES OR COSTS
PRESIDENT BARACK OBAMA,)	
FEDERAL BUREAU OF)	
INVESTIGATION, DEPARTMENT OF)	
HOMELAND SECURITY, DEPARTMENT)	
OF VETERAN'S AFFAIRS, BRITISH)	
AIRWAYS, CLARKS SHOES, DELTA)	
AIRLINES, UNIVERSITY OF)	
HAWAII, GENERAL GROWTH)	
PROPERTIES, HAWAIIAN ELECTRIC)	
COMPANY, DARLANI APARTMENTS)	
)	
Defendants.)	
_____)	

**ORDER DISMISSING COMPLAINT
AND DENYING AS MOOT PLAINTIFF'S
APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS**

On July 26, 2013, Plaintiff Vanessaiah Ayres, proceeding pro se, filed a Complaint against President Barack Obama, the Department of Homeland Security ("DHS"), the Department of Veteran's Affairs, the Federal Bureau of Investigation ("FBI"), Clarks Shoes, British Airways, and Delta Airlines. ECF No. 1. Ayres also filed an Application to Proceed Without Prepayment of Fees. ECF No. 4. This court screened the Complaint under 28 U.S.C. § 1915 and issued an order on August 8, 2013, finding that while Ayres had demonstrated an inability to pay court fees, she

had failed to state a claim upon which relief could be granted. ECF No. 5. This court then gave Ayres leave to amend her Complaint. On September 16, 2013, Ayres filed her amended Complaint in this court, now adding the University of Hawaii at Manoa, General Growth Properties, Hawaiian Electric Company and the Darlani Apartments as defendants. ECF No. 12.

Almost all of Ayres's claims arise from an alleged conspiracy between the FBI and other Defendants to disrupt her and her family's life. Id. Although the amended Complaint names new defendants and adds greater detail regarding Ayres's misfortunes, her allegations and claims are substantially the same as those in her original Complaint.

In addition to the allegations contained in her original Complaint, Ayres now adds Defendants General Growth Properties, Hawaiian General Electric Company and the Darlani Apartments as co-conspirators in her original claims against the FBI, for allegedly aiding the FBI in surveillance of her family. ECF No. 12 ¶ I. Ayres brings a claim against the President for authorizing this surveillance. Id. Ayres also details incidents in which flight plans were altered or cancelled by British Airways and Delta Airlines, and states that these incidents were part of the alleged conspiracy. Id. Finally, Ayres brings what appears to be a free-standing and unrelated claim against the Department of Veterans Affairs, alleging that her survivor's

pension has not been not paid because of race discrimination, in violation of 42 U.S.C. § 2000d. As with her conspiracy-based claims, Ayres does not allege sufficient factual content in her discrimination claim from which the court can infer any basis for the Department of Veterans Affairs' liability.

Ayres fails to remedy the central problem this court identified in its August 8 Order: Ayres's claims regarding the conspiracy against her and her family are not facially plausible because she fails to "plead[any] factual content that [would] allow[] the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Ashcroft v. Iqbal, 556 U.S. 662, 677 (2009). Ayres details many misfortunes she and her family have suffered, but is unable to adduce facts tending to show that Defendants were in any way responsible for these hardships.

This court has previously given Ayres leave to amend her Complaint, and she has once again failed to assert sufficient factual content to give her claims facial plausibility. Those claims are therefore dismissed for failure to state a claim upon which relief may be granted.

In addition to claims in her own name, Ayres also attempts to bring several claims on behalf of her children. These claims allege that the University of Hawaii at Manoa, as part of a conspiracy, misrepresented the possibility that Ayres's

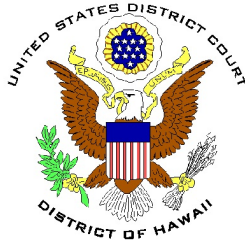
daughter would bring a sibling on a study-abroad program, and that the Department of Homeland Security, also as part of the conspiracy, was responsible for the rejection of job applications submitted by some of her children. ECF No. 12 ¶ I. In an apparently unrelated matter, Ayres also attempts to bring a Title VII claim against Clarks Shoes for denying her son's job application. Id.

It is not clear from the face of the amended Complaint whether Ayres's children are now minors or adults. This court has asked Ayres to state the ages of her children but has received no response. ECF No. 14. Ayres describes her "minor child" as having been sixteen years old in 2010. ECF No. 12 ¶ I. Further, she uses the full names of her children in her application to waive the prepayment of court fees, instead of using only their initials as directed with respect to minors. From this, the court infers that Ayres's children named in the Complaint are presently adults. Yet Ayres is the only person proceeding with this lawsuit. To the extent that she seeks to pursue her adult children's claims, she runs afoul of the rule that "non-attorney litigants may not represent other litigants" in this court. Church of the New Testament v. United States, 783 F.2d 771, 774 (9th Cir. 1986). The claims relating to injuries allegedly sustained by Ayres's children are dismissed.

Because all the claims in the amended Complaint are being dismissed, Ayres's application to proceed without prepaying fees is denied as moot. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, October 4, 2013.



/s/ Susan Oki Mollway
Susan Oki Mollway
United States District Judge